

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tyler Walls	Team: Squad #04	CCRB Case #: 202105894	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/18/2021 12:30 PM	Location of Incident: Outside of the 112th Precinct stationhouse	18 Mo. SOL 3/18/2023	Precinct: 112		
Date/Time CV Reported Fri, 10/01/2021 12:59 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/01/2021 12:59 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO John Laird	14608	938806	112 PCT
2. PO Gregory Kurtz	27331	968551	112 PCT
3. PO Justin Baltusis	08352	968953	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO John Laird	Off. Language: Police Officer John Laird made offensive remarks to § 87(2)(b) based upon perceived mental health status.	
B . PO John Laird	Discourtesy: Police Officer John Laird spoke discourteously to § 87(2)(b)	
C . PO John Laird	Abuse: Police Officer John Laird threatened to remove § 87(2)(b) to the hospital.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On October 1, 2021, § 87(2)(b) filed the following complaint with the CCRB via phone.

On September 18, 2021, § 87(2)(b) went to the 112th Precinct stationhouse to file a report about an attempted robbery. The officers at the stationhouse told § 87(2)(b) that they would send officers to her apartment. § 87(2)(b) went home, but no officers responded. At approximately 12:30 p.m., § 87(2)(b) went back to the 112th Precinct stationhouse and explained her situation to PO Gregory Kurtz, from the 112th Precinct, who was standing near the stationhouse parking lot. PO John Laird and PO Justin Baltusis, both also from the 112th Precinct, approached § 87(2)(b). PO Laird told § 87(2)(b) that he would take her complaint. As § 87(2)(b) explained her complaint, PO Laird made remarks regarding § 87(2)(b) perceived mental health status (**Allegation A and B: Discourtesy and Offensive Language;** § 87(2)(g) PO Laird then asked if she needed an ambulance (**Allegation C: Abuse of Authority;** § 87(2)(g) § 87(2)(b) left without further incident.

§ 87(2)(g), § 87(4-b)

No arrests or summonses were issued.

BWC footage of this incident was obtained. No video surveillance could be obtained.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer JOHN LAIRD made offensive remarks to § 87(2)(b) based upon perceived mental health status.

Allegation (B) Discourtesy: Police Officer JOHN LAIRD spoke discourteously to § 87(2)(b).

Allegation (C) Abuse of Authority: Police Officer JOHN LAIRD threatened to remove § 87(2)(b) to the hospital.

At the beginning of the PO Laird's BWC, PO Laird asks § 87(2)(b) to tell him what she wanted to make her report about. § 87(2)(b) asks PO Laird why he previously asked her if she needed an ambulance. At the 00:43 mark of the BWC, PO Laird says that he asked because she is not speaking rationally. § 87(2)(b) says that PO Laird is the one who brought up hippos falling from the sky, not her. At the 01:06 mark of PO Laird's BWC, PO Laird asks if she took medication or suffered from anything such as schizophrenia, depression, or bipolar disorder. § 87(2)(b) denies having any of those issues. At the 10:00 mark of PO Laird's BWC, PO Laird asks § 87(2)(b) if she has a family member that he could call to get a medical history on her. § 87(2)(b) asks why he needed to know her history. At the 10:42 mark of PO Laird's BWC, PO Laird says that § 87(2)(b) is being irrational and inconsistent and that was why he wanted to know her history. He adds that usually people that want help from officers are not combative like her. PO Laird then says, "And that's why I think you have something going on. Maybe you should see EMS. EMS should maybe take a look at you." § 87(2)(b) replies that she does not want to see EMS. PO Laird responds, "I think you might need it." § 87(2)(b) denies it again. PO Laird replies one more time that she might. § 87(2)(b) says that she will leave now. As she leaves, PO Laird asks if she feels like hurting herself, feels suicidal, and if she is seeing anything. § 87(2)(b) responds no to each question and walks away. Neither PO Laird nor PO Baltusis' BWC captures PO Laird calling § 87(2)(b) "mental" or "crazy." § 87(2)(b) speaks coherently to the officers throughout the entire interaction. § 87(2)(b) does not verbally or physically act in a threatening manner to anyone on scene (BR 01).

§ 87(2)(b) testified that two men attempted to break into her apartment on September 18, 2021. After the incident, at approximately 10:30 – 11:00 a.m., § 87(2)(b) went into the 112th Precinct stationhouse to file a report. § 87(2)(b) approached two officers at the stationhouse desk and told them about her situation. The officers yelled at § 87(2)(b) to go back to her apartment. § 87(2)(b) eventually convinced the officers to send other officers to respond to her apartment once she returned. § 87(2)(b) went back to her apartment and waited for an hour, but no officers arrived. Later, at approximately 12:30 p.m., § 87(2)(b) went back to the 112 Precinct stationhouse. § 87(2)(b) approached PO Kurtz who stood outside by the parking lot area of the stationhouse. § 87(2)(b) informed PO Kurtz about her situation. PO Laird then approached § 87(2)(b) and said that he remembered her. § 87(2)(b) previously interacted with PO Laird in an earlier incident. PO Laird asked § 87(2)(b) to explain her situation to him. § 87(2)(b) told PO Laird about what happened earlier. PO Laird refused to help § 87(2)(b) and accused her of talking in circles and being agitated. PO Laird called § 87(2)(b) “crazy” and “mental.” PO Laird asked § 87(2)(b) if she used any medication, if she was schizophrenic, and if she lived alone. § 87(2)(b) denied taking any medication or having schizophrenia. PO Laird asked § 87(2)(b) if she could talk to her family members to get more information about her. § 87(2)(b) refused. PO Laird told § 87(2)(b) that she needed to see EMS. PO Laird then asked § 87(2)(b) if she was seeing things. § 87(2)(b) responded that she only saw him and stated that if he kept bothering her, she would call CCRB on him. § 87(2)(b) left shortly after. § 87(2)(b) was not a threat to herself or others and was not under the influence of narcotics or alcohol (BR 02).

PO Kurtz testified that he was assigned to stationhouse security. PO Kurtz’s post was by the driveway entrance to the stationhouse. While at his post, § 87(2)(b) approached him and said that she wanted to make a police report about a burglary. PO Kurtz previously knew § 87(2)(b) from one to two incidences prior to this one. § 87(2)(b) would often walk up to the stationhouse and yell at whoever was assigned to stationhouse security. PO Kurtz explained to § 87(2)(b) that she needed to walk into the stationhouse or call 9-1-1 from the scene because he was at a fixed post and could not take a report. § 87(2)(b) demeanor upon her first coming up to him was “erratic” and argumentative. PO Kurtz elaborated that he described § 87(2)(b) demeanor as “erratic” because she spoke loudly and at a very high rate of speed and what she was saying did not make much sense. PO Kurtz continued to express that he could not do anything for her and that she would have to come inside. § 87(2)(b) walked into the stationhouse after speaking with PO Kurtz for two minutes. When § 87(2)(b) came back outside, she immediately went up to PO Kurtz and started yelling and cursing that officers were corrupt and never did anything. PO Kurtz repeatedly told § 87(2)(b) that she needed to go to the scene and call 9-1-1 or go back into the stationhouse and make the report there. After approximately four to five minutes of § 87(2)(b) screaming and yelling, PO Laird and PO Baltusis approached § 87(2)(b). PO Baltusis asked § 87(2)(b) if she needed an ambulance and commented that she was acting “erratic.” § 87(2)(b) declined stating that she did not want to go to the hospital and did not want to go to the psychiatric ward again. § 87(2)(b) spoke to PO Laird about the burglary. PO Laird told § 87(2)(b) that she needed to go the scene of the incident because the officers would need to take a report there. § 87(2)(b) asked PO Laird for his name and shield number, which he provided. PO Laird asked again if § 87(2)(b) needed to go to the hospital. § 87(2)(b) replied that she did not and proceeded to walk away after saying that she would make a CCRB complaint. PO Kurtz did not recall § 87(2)(b) making any threats to herself or others while on scene. PO Kurtz thought that § 87(2)(b) could have been a threat to herself or others because she was highly erratic and confrontational. PO Kurtz believed that § 87(2)(b) behavior “could’ve led to somewhere” based on his assessment of her past behavior (BR 03).

PO Laird testified that when he walked out of the stationhouse after coming off his meal assignment, he heard PO Kurtz arguing with § 87(2)(b) from approximately 50 feet away. PO

Laird walked up to PO Kurtz and said, “Hey Greg.” PO Kurtz proceeded to mouth the words, “Help me” to PO Laird. PO Laird asked § 87(2)(b) about her issue. PO Laird considered that interaction to have been “positive.” § 87(2)(b) informed PO Laird that she was explaining the CCRB process to PO Kurtz. PO Laird told § 87(2)(b) that she could not speak with PO Kurtz indefinitely because he had other duties. PO Laird again asked § 87(2)(b) to explain what happened. § 87(2)(b) explained that two unknown men had previously approached her door and that there should be video footage of it. PO Laird asked § 87(2)(b) for her landlord’s phone number so that they could meet with him to get the video. § 87(2)(b) declined to meet with him but provided the phone number to PO Laird. PO Laird called the landlord twice on speakerphone, but both calls went to voicemail. § 87(2)(b) asked if the officers could take any other action. PO Laird said that the officers could not do anything further without the video evidence since he needed to see if a crime was committed. PO Laird asked § 87(2)(b) if she lived with a family member. § 87(2)(b) replied that her family was dead and asked PO Laird if he wanted to call “the grave.” § 87(2)(b) kept jumping from topic to topic while talking with PO Laird. At one point she talked about “orange hippos” falling from the sky. She also mentioned something about bringing her dog and cat to the stationhouse. PO Laird did not know if these subjects were related in any way with one another. Throughout the interaction, § 87(2)(b) talked about different topics that had nothing to do with one another. At some point during the interaction, § 87(2)(b) asked, “Is something funny?” despite no one laughing or smiling. PO Laird asked § 87(2)(b) for her medical history and if, specifically, she had any illnesses, including bipolar disorder, depression, or schizophrenia. § 87(2)(b) wanted to know why PO Laird needed her medical history. PO Laird asked § 87(2)(b) if she wanted to hurt herself. § 87(2)(b) replied, “No.” PO Laird asked § 87(2)(b) if she needed an ambulance. § 87(2)(b) became upset with PO Laird’s questions. PO Laird asked § 87(2)(b) about her medical history to see if she needed any medical assistance. PO Laird did not intend for any of his remarks to be disparaging. PO Laird again asked § 87(2)(b) if she needed an ambulance. § 87(2)(b) replied, “This is BS” and then walked away as she gave PO Laird the middle finger. PO Laird maintained that § 87(2)(b) was combative with him throughout the interaction. PO Laird thought that § 87(2)(b) might need to consult a doctor because she was combative with the officers, jumped to unrelated topics throughout the conversation and declined to talk about her medical history. In PO Laird’s experience, victims of crime do not normally become as combative as § 87(2)(b) acted. PO Laird did not hear § 87(2)(b) make any threats to herself or others. PO Laird denied asking § 87(2)(b) if she was “seeing things.” During the interview, PO Laird reviewed the first minute of his BWC. PO Laird stated that he asked § 87(2)(b) if she needed an ambulance at the beginning of their interaction because people do not normally walk up to officers and explain the CCRB process to them. Because of this, PO Laird felt that something was not right and believed § 87(2)(b) possibly needed medical assistance for a medical emergency. He stated that he did not recall there being anything else that compelled him to ask but noted that she had already spoken about an “orange hippo” at that time. PO Laird activated his BWC the moment he approached § 87(2)(b) (BR 04).

PO Baltusis testified that he previously interacted with § 87(2)(b) during past incidences. Though officers did not take § 87(2)(b) to the hospital during any of those incidences, he heard from other officers that § 87(2)(b) had psychological issues. PO Baltusis believed § 87(2)(b) was irate based on her body language and tone but could not elaborate further. PO Baltusis stated that § 87(2)(b) remark about an animal falling from the sky and her general demeanor made him believe that she might need a psychological evaluation. PO Baltusis did not hear § 87(2)(b) make any threats to herself or others and did not believe that she was a threat to herself or others. PO Baltusis denied hearing PO Laird call § 87(2)(b) “crazy” or “mental” (BR 05).

A person is considered an EDP, and therefore must be taken into protective custody, when they appear to be mentally ill or temporarily deranged and are conducting themselves in a manner in

which a police officer believes it is likely to result in serious injury to himself and others. NYPD Patrol Guide Procedure 212-13 (BR 06).

The NYPD must render their services with civility and respect. NYPD Patrol Guide Procedure 200-02 (BR 07).

In speaking with members of the public, officers are prohibited from making discourteous or disrespectful remarks regarding another person's disability. NYPD Administrative Guide Procedure 304-06 (BR 08).

As previously noted, § 87(2)(b) did not appear to be a threat to herself or others and spoke coherently the entire time. Though PO Laird maintained that he did not intend his remarks to be disparaging, PO Laird continued to inquire about § 87(2)(b) mental health, insisted that she had "something going on," and asked her if she was "seeing" things, even after she repeatedly told the PO Laird that she did not need to go to the hospital. § 87(2)(b) did not behave in a manner that would warrant any of these remarks or inquiries. § 87(2)(g)

Though the officers stated that § 87(2)(b) jumped to different topics and did not make sense, the BWCs show that § 87(2)(b) spoke coherently throughout the interaction. The BWCs also showed that § 87(2)(b) did not verbally make any threats to anyone and did not act in a threatening manner. § 87(2)(b) yelling and past medical history does not justify PO Laird telling § 87(2)(b) that she may need to have an ambulance called for her. Furthermore, PO Laird unnecessarily repeated this statement multiple times throughout the incident, including when he had just started interacting with § 87(2)(b) and had not fully evaluated her situation yet. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- PO Laird has been a member of service for 17 years and has been a subject in four other CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- PO Baltusis has been a member of service for two years and has been a subject in three other CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

Mediation, Civil, and Criminal Histories

- § 87(2)(b) [REDACTED] could not be offered mediation due to the COVID-19 mediation backlog at the time of the interview.
- As of June 10, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR 14).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad: 4

Investigator:	<u>Tyler Walls</u> Signature	<u>Inv. Tyler Walls</u> Print Title & Name	<u>7/26/2022</u> Date
Squad Leader:	<u>Raquel Velasquez</u> Signature	<u>IM Raquel Velasquez</u> Print Title & Name	<u>07/26/2022</u> Date
Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date